

In the High Court of Punjab and Haryana at Chandigarh.

LPA No.227 of 2006(O&M)

Date of Decision:19.12.2006.

The Phagwara Cane Growers Coop.Society Ltd. Appellant.

through Mr.AK Chopra,Senior Advocate with
Mr.Rajiv Singh Sihag,Advocate.

Versus.

State of Punjab and others. Respondents.

CORAM:- HON'BLE MR.JUSTICE VIJENDER JAIN, CHIEF JUSTICE.
HON'BLE MR.JUSTICE J.S.NARANG.

1. Whether Reporters of Local Newspapers may be allowed to see the judgment?
- 2.To be referred to the Reporters or not?
- 3.Whether the judgment should be reported in the Digest?

J.S.Narang, J.

The petitioner appellant dissatisfied with the judgment dated November 7,2006, given by the learned Single Judge in CWP No. 18072 of 2005, has filed the instant appeal invoking the Letters Patent jurisdiction of this Court.

The petitioner appellant sought indulgence by way of extraordinary jurisdiction of this Court under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of certiorari quashing the order/letter dated 26.9.2005, copy Annexure P-6, issued by the

Cane Commissioner, respondent no.4, in reference to the letter dated 22.9.2005 issued by the Financial Commissioner (Development) and Secretary to Government of Punjab, Department of Agriculture, respondent no.2, in regard to supply of sugarcane to the sugar mill in compliance to the letter dated 24.6.1997. Further, a mandamus has also been sought for directing respondent no.6 that the sugarcane shall be continued to be purchased by the said respondent from the petitioner appellant as the petitioner appellant has been registered in the reserved area of the aforesaid respondent as per the yearly agreement so that the petitioner appellant does not suffer financial loss. Learned single Judge has categorically opined that the petitioner appellant has no legal right for seeking any compulsive direction to respondent no.6 for purchasing the sugarcane crop from the assigned area through the agency of the petitioner appellant. It has also been held that no legal right of the petitioner appellant has been violated by the Government of Punjab by reframing, reconsidering and revising the policy decision communicated vide order dated 24.6.1997 and 23.9.2005, impugned before his lordship.

Learned counsel for the petitioner appellant has not been able to spell out as to what legal right of the petitioner appellant has been violated. It has been noticed that the respondent no.6 took the stand that the petitioner appellant had completely failed to supply sugarcane pursuant to the agreement entered into between the two. The total for three years has been spelt out in the reply submitted before the learned single Judge, which has been reported in the judgment, which reads as under:-

<i>Year</i>	<i>Sugarcane demanded</i>	<i>Sugarcane Supplied</i>	<i>Shortfall</i>
2002-03	50 lacs quintals	34.28 lacs quintals	15.72 lacs quintals
2003-04	37 lacs quintals	22.04 lacs quintals	14.96 lacs quintals
2004-05	22 lacs quintals	18.25 lacs quintals	03.69 lacs quintals

This factual status has not been controverted by the petitioner appellant. Upon the aforesaid information, learned single Judge has categorically observed that the petitioner appellant has not approached this Court with clean hands and on account of its own default the relief cannot be asked for, neither it is grantable. By not complying with the terms of the agreement in its entirety, the petitioner appellant has lost its right as has been claimed before this Court. Resultantly, the petition has been dismissed vide order dated 7.11.2006. No meaningful argument has been addressed nor any issue has been raised which remained undecided by the learned single Judge. We find no infirmity in the judgment and in fact the true and correct facts have been culled out which do not make out any case in favour of the petitioner appellant. The appeal is devoid of any merit and the same is dismissed.

(Vijender Jain)
Chief Justice

(J.S.Narang)
Judge

19.12.2006.

rpj